

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11598 WGY
)	<u>THREE-JUDGE COURT</u>
CITY OF BOSTON,)	
MASSACHUSETTS, et al.,)	
)	
Defendants.)	
_____)	

**UNITED STATES' RESPONSE TO SECRETARY OF
COMMONWEALTH'S AUGUST 8, 2007 REPORT TO THE COURT**

The United States submits this response in order to correct the representation by the Secretary of the Commonwealth ("Secretary") in his August 8, 2007 Report to the Court which provided that the United States represented or agreed that the violations of voting rights of Chinese-speaking citizens "related to the pre-Settlement period [] had not been repeated in the post-Settlement period." Docket #105. The Secretary's representation is incorrect.¹ As set forth in the papers recently filed in this case, in post-settlement elections where the Secretary of the Commonwealth has failed to transliterate candidate names, Chinese-speaking voters have continued to suffer barriers to the franchise on account of their membership in a language minority group. See Docket #87 at 4-6; Docket #100 at 5, 10-12. That position has been supported by materials submitted to the Court. See Decls. of Joe Ho Lee, Kwok Yim Chiu, Chor Heung Chow, Henry Yee, Hoen Gin Ng, Fat Ng, Bark Jew Huey, Lai Hung Yong, Xie Chu, Sou

¹ The United States had no knowledge of the Secretary's report, or the representations therein, prior to receiving the electronic Notice of Filing on August 8, 2007.

Pong Lo, Jian Hua Tang, Qui Qing Yu, Lin Kay Ching, Yim Chui Hui, Kit Wan Ho, Fook Pui Chan, Rui Qin Chen, Kwok Cheuk, Jin Ying Wong-Kwong, Siu Ching Tsang, and Sum Ming Yu (attached to Docket #88 as “Exs. G-Y, C-D”); see also Federal Observer Report, Franklin Institute at 27B, 27J, 27L, 27M, 27N, 27K, 27O, 27R, 27QQ, 27PP, 27FF, 27II, 27UU, 27RR, 27SS, 27X, 27CC, 27D, 27JJ, dated September 19, 2006 (attached to Docket #64 as attachment 1); Federal Observer Report, Franklin Institute at 27D, 27E, dated November 7, 2006 (attached to Docket #65 as attachment #19 and #20); Federal Observer Report, Metropolitan at 22G, 27D, dated November 7, 2006 (attached to Docket #65 as attachment #27 and #28). The evidence presented by the United States shows that the problems continued to occur except where candidate names were transliterated by the City of Boston in the April and May 2007 municipal elections. See Docket #87 Exs. C, D, E, G-I, K, L, N, P, Q, S-V, X, Z, AA-AD.

The parties have discussed, and the United States continues to seek, opportunities in which the Secretary can meet the needs of Boston’s Chinese-speaking voters so as to allow final resolution of the issue.

Respectfully submitted,

WAN J. KIM
Assistant Attorney General
Civil Rights Division

/s/ T. Russell Nobile
JOHN TANNER
SUSANA LORENZO-GIGUERE
VERONICA SEUNGWON JUNG
T. RUSSELL NOBILE
JARED M. SLADE
T.Russell.Nobile@usdoj.gov
Attorneys, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254 NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
(202) 307-1190 (phone)
(202) 307-3961 (fax)

Date: August 9, 2007

CERTIFICATE OF SERVICE

I, T. Russell Nobile, hereby certify that the foregoing document and proposed order filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 9, 2007.

/s/ T. Russell Nobile
T. Russell Nobile
Trial Attorney, Voting Section
United States Department of Justice